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ALTA BATES SUMMIT MEDICAL CENTER

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

17 COYNESS L. ENNIX, JR., M.D.,

CASE NO. C 07-2486 WHA

18 Plaintiff,

PROOF OF SERVICE

19 v.

DATE: May 19, 2008
TIME: 2:00 p.m.
DEPT: Ctrm. 9, 19th Floor
JUDGE: Hon. William H. Alsup

20 ALTA BATES SUMMIT MEDICAL CENTER,

21 Defendant.
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COMPLAINT FILED: May 9, 2007
TRIAL DATE: June 2, 2008

PROOF OF SERVICE BY HAND DELIVERY

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is One Post Street, Suite 2600, San Francisco, California 94104. On **April 29, 2008**, I served a true and correct copy of the within documents:

- DEFENDANT'S MOTION IN LIMINE NO. 1 TO EXCLUDE COMPARATIVE EVIDENCE RE ABSENT A FOUNDATIONAL SHOWING OF SIMILARITY;
- DEFENDANT'S MOTION IN LIMINE NO. 2 SEEKING BIFURCATION OF DAMAGES AND OF ISSUES;
- DEFENDANT'S MOTION IN LIMINE NO. 3 TO EXCLUDE EVIDENCE RELATING TO PLAINTIFF'S OWN STATISTICS;
- DEFENDANT'S MOTION IN LIMINE NO. 4 TO EXCLUDE EVIDENCE RELATING TO MORTALITY STATISTICS;
- DEFENDANT'S MOTION IN LIMINE NO. 5 TO EXCLUDE EXPERT TESTIMONY CHALLENGING THE FAIRNESS OF THE PEER REVIEW PROCESS;
- DEFENDANT'S MOTION IN LIMINE NO. 6 TO EXCLUDE EVIDENCE REGARDING EXISTENCE OF WHITE MALE "CLUB";
- DEFENDANT'S MOTION IN LIMINE NO. 7 TO EXCLUDE EVIDENCE CONCERNING THE REPORT AND ANTICIPATED TESTIMONY OF MARGO LEAHY, M.D.;
- DECLARATION OF ROSSANA S. ELTANAL IN SUPPORT OF MOTION IN LIMINE NO. 7; and
- DEFENDANT'S MOTION IN LIMINE NO. 8 TO EXCLUDE EVIDENCE OF "OTHER PHYSICIANS".

on the interested parties in said action by placing true and correct copies in a sealed envelope and giving it into the care of Freewheelin' Attorney Service for same-day hand delivery to the parties as follows:

**G. Scott Emblidge, Esq.
Moscone, Emblidge & Quadra, LLP
220 Montgomery Street, Suite 2100
San Francisco, CA 94104**

I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

Executed on April 29, 2008, at San Francisco, California.

RITA L. CHAVEZ

4837-6266-9058.1

Attorney or party without attorney (name and address): ALEX HERNAEZ SB#201441 KAUFF, McCLAIN & McGuire LLP 1 POST STREET, STE. 2600 SAN FRANCISCO, CA 94104-		Telephone No: (415) 421-3111	For Court Use Only
Attorney for (name): DEFENDANT(S)			
Insert name of court and name of judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff: COYNES L. ENNIX, JR., M.D., ET AL.,			
Defendant: RUSSELL D. STANTEN, M.D., ET AL.,			
Reference Number: 10117.0166	PROOF OF SERVICE		Case Number: C07-2486 WHA

At the time of service I was at least eighteen years of age and not a party to this action, and I served copies of the:

DEFENDANT'S MOTION IN LIMINE NO. 7 TO EXCLUDE EVIDENCE CONCERNING THE REPORT AND ANTICIPATED TESTIMONY OF MARGO LEAHY, M.D.; PROOF OF SERVICE; DECLARATION OF ROSSANA S. ELTANAL IN SUPPORT OF MOTION IN LIMINE NO. 7; DEFENDANT'S MOTION IN LIMINE NO. 8 TO EXCLUDE EVIDENCE OF "OTHER PHYSICIANS"; DEFENDANT'S MOTION IN LIMINE NO. 1 TO EXCLUDE COMPARATIVE EVIDENCE ABSENT A FOUNDATIONAL SHOWING OF SIMILARITY; DEFENDANT'S MOTION IN LIMINE NO. 2 SEEKING BIFURCATION OF DAMAGES AND OF ISSUES; DEFENDANT'S MOTION IN LIMINE NO. 3 TO EXCLUDE EVIDENCE RELATING TO PLAINTIFF'S OWN STATISTICS; DEFENDANT'S MOTION IN LIMINE NO. 4 TO EXCLUDE EVIDENCE RELATING TO MORTALITY STATISTICS; DEFENDANT'S MOTION IN LIMINE NO. 5 TO EXCLUDE EXPERT TESTIMONY CHALLENGING THE FAIRNESS OF THE PEER REVIEW PROCESS; DEFENDANT'S MOTION IN LIMINE NO. 6 TO EXCLUDE EVIDENCE REGARDING EXISTENCE OF WHITE MALE "CLUB";

in the within action by personally delivering true copies thereof to the person served as follows:

Served: G. SCOTT EMBLIDGE, ESQ.

By Serving: WYLIE DORANT, ESQ.

Address: MOSCONE, EMBLIDGE & QUADRA

220 MONTGOMERY STREET, SUITE 2100

SAN FRANCISCO, CA 94104-

Date of Service: 04/29/08

Time of Service: 5:05 PM

Person Serving (name, address, and telephone No.):

Kevin M. Bottomley

FREEWHEELIN'
ATTORNEY SERVICE


41 Sutter Street, Suite 1777

San Francisco, California 94104

(415) 487-1750

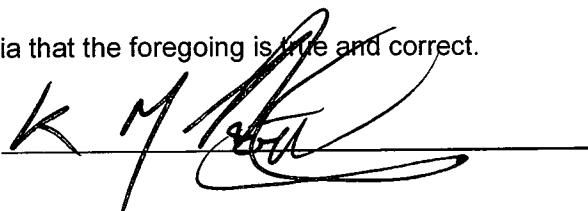
Fee for service:

Registered California process server.

- (1) Employee or independent contractor.
- (2) Registration No: 1023
- (3) County: SAN FRANCISCO
- (4) Reg. Exp. Date: August 02, 2009

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 04/29/08

Signature: 

1 G. SCOTT EMBLIDGE, State Bar No. 121613
2 emblidge@meqlaw.com
3 RACHEL J. SATER, State Bar No. 147976
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10 Telephone: (415) 362-3599
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REC'D MAY 09 2008

12 Attorneys for Plaintiff Coyness L. Ennix

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COYNESS L. ENNIX JR., M.D.,

Case No. C 07-2486 WHA

Plaintiff,

PROOF OF SERVICE

vs.

ALTA BATES SUMMIT MEDICAL
CENTER,

Defendants.

I, Omar Lateef, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action.

On May 9, 2008, I served the attached:

- **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. 1 RE COMPARATIVE EVIDENCE**
- **PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE NO. 2 SEEKING BIFURCATION**

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- 1 • PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. 3 TO
2 EXCLUDE EVIDENCE RELATING TO PLAINTIFF'S OWN STATISTICS
- 3 • PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE NO. 4 RE
MORTALITY STATISTICS
- 4 • PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. 5 TO
5 EXCLUDE EXPERT TESTIMONY CHALLENGING THE FAIRNESS OF THE
PEER REVIEW PROCESS
- 6 • PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. 6 RE
7 WHITE MALE "CLUB"
- 8 • PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. 7 TO
9 EXCLUDE EVIDENCE CONCERNING THE REPORT AND ANTICIPATED
TESTIMONY OF MARGO LEAHY, M.D.
- 10 • PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. 8 RE
"OTHER PHYSICIANS"
- 11 • DECLARATION OF ANDREW E. SWEET IN OPPOSITION TO DEFENDANT'S
12 MOTION IN LIMINE NO. 3
- 13 • DECLARATION OF ANDREW E. SWEET IN OPPOSITION TO DEFENDANT'S
MOTION IN LIMINE NO. 7
- 14 • DECLARATION OF COYNESS L. ENNIX JR., M.D. IN OPPOSITION TO
15 DEFENDANT'S MOTION IN LIMINE NO. 3

16 on the interested party(ies) named below:

17 Maureen E. McClain
18 Alex Hernaez
19 Tazamisha H. Imara
20 Kauff, McClain & McGuire, LLP
One Post Street, Suite 2600
San Francisco, California 94104

22 I served the attached document(s) in the manner indicated below:

23 **BY PERSONAL SERVICE:** I caused true and correct copies of the above documents to be placed and sealed in
envelope(s) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the
addressee(s).

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

26 Executed May 9, 2008, at San Francisco, California.

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28 Omar Lateef